

REMARKS

In the Official action of September 2, 2008, the examiner required restriction under 35 U.S.C. 121 and 372: to one of the following inventions:

- Group I. Claims 1-16, drawn to a vacuum arc source;
- Group II. Claims 17-20, drawn to a vacuum system; and
- Group III. Claims 21-32, drawn to a method of arc discharge.

The Examiner has required the Applicant to elect a single invention for prosecution on the merits. Applicant hereby elects to proceed with Group I with traverse.

This application is a US National Stage application under 35 USC 371. Referring to MPEP 1893.03(d), unity of invention, and not restriction practice pursuant to 37 CFR 1.141-1.146, is applicable in national stage applications submitted under 35 USC 371. Under PCT Rule 13.1, the international application shall relate to one invention or to a group of inventions so linked as to form a single general inventive concept. PCT Rule 13.2 further explains that the requirement of unity of invention is fulfilled when there is a "technical relationship among those inventions involving one or more of the same or corresponding special technical features." Special technical features are characterized as technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Referring to the present application, unity exists between claims 1-32 because there is a common special technical feature that makes a contribution over the prior art. Claim 1 describes, in part, that the device producing the magnetic field is comprised of at least two magnet systems with opposite poles and is designed so that the component B_{\perp} of the magnetic field perpendicular to the surface has basically constant values smaller than 30 Gauss over the greater part of the surface or is zero. Claim 17 describes the same feature. Claim 21 describes, in part, that a magnetic field is produced on the surface with the device for producing a magnetic field from at least two magnetic systems with opposite poles, so that its perpendicular component B_{\perp} runs over the greater part of the surface basically constantly near or at zero. Therefore, the special technical feature common to claims 1-32 is a magnetic field produced by a device having at least two magnet systems with opposite poles and having a perpendicular component B_{\perp} of the magnetic field running over the greater part of the surface near 0.

The common special technical feature makes a contribution over the prior art as well. The Examiner has stated that the special technical feature of the application is anticipated by or

obvious in view of US Patent No. 4,981,756. The '756 patent describes a process for producing corrosion and wear resistant tools. This is achieved by placing the tools in a vacuum system and applying voltage. Furthermore, the tools are then subjected to an ion bombardment by activating an arc source. The '756 does not appear describe the characteristics of the device producing the magnetic field, specifically having at least two magnet systems with opposite poles and having a perpendicular component B_{\perp} of the magnetic field. Consequently, the special technical feature common to claims 1-32 makes a contribution over the prior art. Thus, unity of invention is present for claims 1-32.

Applicants respectfully request examination of the application. If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 38300.

Respectfully submitted,
PEARNE & GORDON, LLP

By: /Michael W. Garvey/
Michael W. Garvey, Reg. No. 35878

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: October 1, 2008